IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Inventor: Howard Marantz et al.	)	Examiner: Alina A. Boutah
	)	
Serial #: 09/629,117	)	Group Art Unit: 2143
	)	
Filed: July 31, 2000	)	Appeal No.: _____
	)	
Title: METHOD AND APPARATUS FOR	)	
OBTAINING A SET OF MAPS	)	

REPLY BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.41, Appellants hereby submit the Appellants' Reply Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated May 17, 2007 and the Examiner's Answer dated January 1, 2008.

No fee is due at this time. Please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494 of Gates & Cooper LLP.

I.   REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II.   RELATED APPEALS AND INTERFERENCES

A related appeal decision number 2006-2141 was entered into the record on September 15, 2006 for the above identified matter. A copy of the decision follows in the Related Proceedings Appendix.

III.   STATUS OF CLAIMS

Claims 1-52 remain pending in the application.

Claims 1-10, 13-22, 25-34, 38-40, 42-44, and 46-48 have been withdrawn from consideration.

Claims 11, 12, 23, 24, 35-37, 41, 45, 49, and 50-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berstis, U.S. Patent No. 6,182,010 in view of DeLorme, US Patent No. 6,321,158.

All of the above rejections are being appealed.

IV.   STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

A table indicating the support in the specification for each of the independent claims follows.

Claim Element	Specification
11. A system for accessing geographic information comprising:	Page 8, lines 20-23.
(a) a thin client;	Page 12, lines 6-10; Fig. 1.
(b) an application on the thin client, the application configured to:	Page 13, lines 6-11; Fig. 1; Fig. 4.
(i) request a map from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8; Fig. 3.
(ii) receive, in response to the request, a single mapset constructed	Page 22, lines 1-5; Page 19, lines 19-page 20, line 4; Page 9, lines 10-18; Page 18, lines 15-18; Page

on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;	20, lines 5-13; Fig. 4; Fig. 5; Page 21, lines 2-15; Page 22, line 3-5; Page 23, line 7-10; page 24, lines 4-5; page 20, lines 5-7.
(iii) format the map data in the single mapset;	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
(iv) display the map data on a screen of the thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
23. A method for accessing geographic information comprising:	Page 8, lines 20-23.
requesting map data from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8; Fig. 3.
receiving, in response to the request, the map data in a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;	Page 22, lines 1-5; Page 19, lines 19-page 20, line 4; Page 9, lines 10-18; Page 18, lines 15-18; Page 20, lines 5-13; Fig. 4; Fig. 5; Page 21, lines 2-15; Page 22, line 3-5; Page 23, line 7-10; page 24, lines 4-5; page 20, lines 5-7.
formatting the map data;	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
displaying the map data on a screen of a thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
35. An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the	Page 1, lines 4-6; Page 14, lines 17-22; Page 8, lines 20-23.

computer hardware device to perform a method for accessing geographic information, the method comprising:	
requesting map data from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8; Fig. 3.
receiving, in response to the request, the map data in a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;	Page 22, lines 1-5; Page 19, lines 19-page 20, line 4; Page 9, lines 10-18; Page 18, lines 15-18; Page 20, lines 5-13; Fig. 4; Fig. 5; Page 21, lines 2-15; Page 22, lines 3-5; Page 23, line 7-10; page 24, lines 4-5; page 20, lines 5-7.
formatting the map data;	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
displaying the map data on a screen of a thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
41. A system for accessing geographic information comprising:	Page 1, lines 4-6; Page 14, lines 17-22; Page 8, lines 20-23.
(a) a thin client; and	Page 12, lines 6-10; Fig. 1.
(b) an application on the thin client, the application configured to:	Page 13, lines 6-11; Fig. 1; Fig. 4.
(i) request map data from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8; Fig. 3.
(ii) receive, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two	Page 9, lines 4-9; Page 11, lines 9-14; Page 12, line 22; Page 15, lines 14-17; Page 20, lines 11-21; Page 22, lines 3-5; Page 23, lines 7-14; FIGS. 3, 4, and 5.

or more maps in the single mapset;	
(iii) format the map data; and	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
(iv) display the map data on a screen of the thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
45. A method for accessing geographic information comprising:	Page 1, lines 4-6; Page 14, lines 17-22; Page 8, lines 20-23.
requesting map data from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8; Fig. 3.
receiving, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;	Page 9, lines 4-9; Page 11, lines 9-14; Page 12, line 22; Page 15, lines 14-17; Page 20, lines 11-21; Page 22, lines 3-5; Page 23, lines 7-14; FIGS. 3, 4, and 5.
formatting the map data; and	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
displaying the map data on a screen of a thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
49. An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for accessing geographic information, the method comprising:	Page 1, lines 4-6; Page 14, lines 17-22; Page 8, lines 20-23.
requesting map data from a servlet;	Fig. 1; page 17, lines 11-15; page 18, lines 6-8;

	Fig. 3.
receiving, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;	Page 9, lines 4-9; Page 11, lines 9-14; Page 12, line 22; Page 15, lines 14-17; Page 20, lines 11-21; Page 22, lines 3-5; Page 23, lines 7-14; FIGS. 3, 4, and 5.
formatting the map data; and	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.
displaying the map data on a screen of a thin client.	Page 16, lines 9-15; Page 17, line 22-page 18, line 5; Page 28, lines 5-7; Fig. 4.

In view of the above, independent claims 11, 23, and 35 are directed towards a thin client used to access geographic information (see page 8, lines 22-23). More specifically, an application on a thin client requests map data from a servlet (see FIG. 1; page 17, lines 11-15; page 18, lines 6-8; FIG. 3). The map data is then received by the thin client in the form of a mapset (see page 22, lines 1-5).

The claims specifically provide that the mapset contains map data for two (2) or more maps (see page 19, line 19-page 20, line 4). Further, the claims also specifically provide that the mapset was constructed prior to the servlet receiving the request from the thin client (see page 9, lines 10-18; page 18, lines 15-18; page 20, lines 5-13; FIG. 4; FIG. 5; page 21, lines 2-15; page 22, lines 3-5; page 23, lines 7-10; and page 24, lines 4-5).

In addition, the claims provide that the single mapset containing the multiple maps is constructed on a per-user basis (see page 20, lines 5-7). Thus, not only do the claims provide that the mapset is constructed prior to receiving a request from a thin client, but the mapset is constructed on a per user basis. The benefits and use of such a per-user construction are further set forth with respect to the dependent claims 50-52 (see below).

Once the mapset is received, the thin client formats and displays the map data from the mapset on a screen of the PDA (see page 16, lines 9-15; page 17, line 22-page 18, line 5; page 28, lines 5-7).

Independent claims 41, 45, and 49 provide a system, method, and article of manufacture respectively for accessing geographic information (see page 8, lines 22-23). All of the claim sets are from the perspective of a thin client and not the server perspective with limitations similar to those set forth in independent claims 11, 23, and 35. Initially, map data is requested from a servlet (see FIG. 1; page 17, lines 11-15; page 18, lines 6-8; FIG. 3). The next step in all of the claims diverges from the steps set forth in independent claims 11, 23, and 35. In this regard, the claims specifically provide that the map data in a mapset was constructed in parallel on multiple processing units (see page 9, lines 4-9; page 11, lines 9-14; page 12, line 22; page 15, lines 14-17; page 20, lines 11-21; page 22, lines 3-5; page 23, lines 7-14; FIGS. 3, 4, and 5). The remaining steps format and display the data as in claims 11, 23, and 35 (see page 16, lines 9-15; page 17, line 22-page 18, line 5; page 28, lines 5-7).

Dependent claims 50-52 provide that the two or more maps included in the single mapset are based on one or more work orders for a specific user (i.e., consistent with the per-user basis construction). The benefits of such user-based work orders and construction of a mapset prior to receiving a request from a user are set forth in more detail on page 18, line 19-page 19, line 4 and page 20, line 5-page 22, line 5 of the specification as filed. In particular, Appellants direct the attention of the Board to page 21, lines 2-15:

> FIG. 5 illustrates the asynchronous creation of a mapset/map data 408 by servlet 108. The invention may be utilized by utility, plumbing, construction, or other similar type industries wherein field technicians 504 perform repairs, installations, etc. A dispatcher 502 establishes one or more work orders 406 each day for each field technician 504. Accordingly, dispatcher 502 controls the dispatching application 402 wherein a work order 406 may be saved in a back-end database 508. Once a work order 406 is entered by dispatcher 502, the dispatching application 402 transmits a request to create, modify, add, or delete a map/mapset that contains the map data 408 for the work order 406. The request is transmitted across the internal network (e.g., intranet 510) to the server 106 (e.g., a hyper text transfer protocol (HTTP) server or web server 110). The request is forwarded to servlet 108 that creates, deletes, or modifies the map data 408 based on the request. Accordingly, the mapset 408 is pre-constructed by servlet 108 on a per-user 508 basis prior to the mapset/data 408 being requested by the user 508.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 11, 12, 23, 24, 35-37, 41, 45, and 49 are unpatentable under 35 U.S.C. §

103(a) over Berstis, U.S. Patent No. 6,182,010 in view of DeLorme, US Patent No. 6,321,158.

VII.   ARGUMENT

Claims 11, 12, 23, 24, 35-37, 41, 45, and 49 are patentable under 35 U.S.C. § 103(a) over

Berstis, U.S. Patent No. 6,182,010 in view of DeLorme, US Patent No. 6,321,158.

A.   Independent Claims 11, 23, and 35

Applicants traverse the rejections set forth in the Office Action. Namely, neither Berstis nor

DeLorme teach, disclose, or suggest the construction of a mapset containing multiple maps on a

per-user basis.

As set forth in the Summary above, there are numerous advantages to constructing a mapset

on a per-user basis. For example, individual and particular users may have a need for a more

specific or defined set of maps. However, merely establishing a set of maps without reference to a

particular user or on a per user basis ignores such a need. For example, as set forth in dependent

claims 50-52, a mapset may include maps needed for a particular work order or set of work orders

for a utility person (e.g., plumber, electrician, etc.). The maps may be gathered on the server side

prior to the utility person even requesting the mapset. Such pre-construction of the mapset for the

particular user expedites the time when the user connects to the server to retrieve the data. In the

prior art, the user was required to wait while the server gathered the map data to satisfy the user's

request. Such server-side processing is no longer a bottleneck in the present invention.

Further, the Office Action and prior art fail to address such a need or the advantages set

forth by the present invention. Instead, the prior art (i.e., Berstis and DeLorme) are consistent with

the prior art implementations and completely fail to address work orders or mapsets that are

constructed on a per-user basis.

In addition to the above, and consistent with the prior Decision on Appeal, the Applicants

have specifically set forth that the single mapset contains multiple maps.

In response to the above, the final Office Action provides:

> Applicant's arguments have been considered but are not found persuasive. In response to
> Applicant's argument that neither Berstis nor DeLorme teach the construction of a mapset containing
> multiple maps on a per-user basis, the PTO respectfully disagrees and submits that this is taught by
> DeLorme as cited above. Figures 1 L and 1 M, as well as their respective descriptions (col. 28, lines 1-

16 and col. 30, lines 28-46) discloses mapset that is constructed based on a user-specific point of interest, such as a campground or a resort. The point of interest in this case is interpreted as "per-user basis" as claimed.

Appellants respectfully disagree with and traverse such an assertion. Col. 28, lines 1-16 provides:

> FIGS. 1L and 1M further depict information resources about specific types of places. As disclosed hereafter in relation to FIG. 1-O and quick menu 161, the user can access information on specific types of POIs such as hotels or restaurants. List boxes for local hotels and restaurants appear at 154 and 156 in FIG. 1L and for campgrounds at 158 in FIG. 1M. These listboxes all have a button to Attach information on chosen accommodations to emerging travel plan output. These listboxes also allow the user to call for more detailed information or Full Info on selected locations of the respective types. Such information availability is indicated on the mapping interface by colored symbols within a small rectangle under or adjacent to the relevant place name, as shown for Shelburne at 157. The Campground information box at 159 shows a typical display of Full Info requested by the user concerning the Shelburne Camping Area.

Col. 30, lines 28-46 provides:

> On the other hand, a typical operation or program can begin on the multimedia side 209 with user entry of one or more points of interest (POIs) selected by the user inputting individual POIs or by database searches, sorting for specific predefined types of POI, related characteristics, or linked data or information using the underlying GIS 201. In FIG. 2, to set up a presentation of multimedia place information, the user can perform individual or manual POI input at step 243. For example, a vacation traveler can request multimedia information on two or three popular resort locations recommended by friends, ads or travel articles by using well known data entry methods such as keying in the resort names, or nearest place name, or geographic coordinates. The system 200 is further able to locate individual POIs for input by enabling a user to select from lists of place names, or through linked phone exchange, zip code or geographic coordinate data. The user can engage in manual input of individual POIs by clicking at points, symbols or place names on the map display.

As can be clearly seen from such text, the DeLorme does not even remotely suggest that information or points of interest are constructed (1) prior to the user issuing the request, nor (2) on a per user basis (as claimed). Instead, col. 28, lines 1-16 and figs. 1L and 1M describe how a user can request additional detailed information by selecting a particular area. Such a request does not describe at all whether the package was created for the particular user. In fact, it is more likely that since the user has various options and may not use all of them, the information was likely created for multiple users and not on a per user basis as claimed. Further, col. 30, lines 28-46 illustrates how the user identifies certain points of interest and then requests such information in an interactive manner. Such a description serves to teach away from the present claims since the interactive creation cannot possibly occur prior to the user requesting the information as claimed.

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Again, the claims provide that not only is the mapset created on a per user basis but it is created on a per user basis before the servlet even receives the request from the client. Such a teaching is wholly and completely lacking from the cited references.

In response to the above arguments, the Examiner's Answer first asserts that the term "per-user" is not explicitly defined and that any definition is not set forth in the claims. Appellants respectfully traverse such an assertion. Applicants first note that the claims provide

> (ii)   receive, in response to the request, a single mapset constructed on a per-user basis prior to the servlet receiving the request…

As can be seen, such text is clear on its face, a mapset is constructed on a per-user basis. Per user basis on its face means for a particular user or "per user". To assert that a mapset constructed on a per-user basis does not define what is meant by "per-user" is focusing on form over substance and ignoring the plain and obvious meaning of the terms as they are used in the claims and throughout the specification. The Answer further addresses the example set forth in the argument relating to work order for a utility. Appellants direct the attention of the Board to dependent claims 50-52 and the arguments relating to such claims below.

The Answer then turns to DeLorme's alleged teaching relating to construction of the mapset on a per-user basis while relying on DeLorme col. 1, lines 29-47 and FIG. 2A. Col. 1, lines 27-47 provide:

> The invention may include the capability to provide an interactive computer travel-planning guide for determining a route between a user selected travel origin and travel destination following user selected intermediate waypoints along the way. System software determines the preferred travel route within user selected constraints. The user can also select among a plurality of types of geographically locatable points of interest (POIs) within a user-defined region of interest along the travel route. A database enables the incorporation of travel information such as graphics, photos, videos, animations, audio and text information about the user selectable POIs along the way as well as about transportation routes and waypoints. From the user selected and user-defined transportation routes, waypoints, and POIs along the travel route, the software constructs a user customized multimedia travelog for preview on a computer display of the user-defined travel route. Based on the user-customized previews, the travel route including transportation routes, waypoints, and points of interest can be updated or changed according to the user preferences and choices.

As can be clearly seen from such text, DeLorme's user selects the various POIs. After selecting the POIs, the software constructs the travelog. Such a teaching is wholly and directly inapposite from the present invention. As stated above, the present invention explicitly provides that the single mapset is constructed not only on a per-user basis but is constructed prior to a servlet

receiving the request. On the other hand, DeLorme explicitly and expressly requires the user to specify the points before creating the travelog. In other words, DeLorme requires the construction <u>after</u> receiving the request from the user. Such a construction would slow down the time for the user to obtain the travelog since the user would be waiting for the travelog to be created after the user submits the request. Accordingly, DeLorme's solution is contrary to the present invention's solution and fails to expedite the map transmission process as set forth in the present claims.

With respect to the construction time of the present claims, the Answer first points to the present invention's specification page 9, lines 10-18. Such text provides:

> One or more embodiments of the invention provide for the efficient network synchronization of mapset databases. The creation of the complex mapset databases is separated from the transmission of the mapset to a client PDA device. The server is configured to receive alerts that create/delete/update the database on the server side (specific to a user profile). The database on the server side is pre-constructed when such alerts are received. The pre-constructed database is in a form that can be easily sent over a linear data stream, easily reassembled from the stream into a PDA database, and in a location that is specific to the user profile and located by a web server.

As can clearly be seen, the text provides for the server creating/deleting/updating a database on the server side in response to certain alerts. However, such alerts are not what is referenced in the present claims. Again, the present claims provide for constructing the database prior to receiving the request for the map from the user/client. Thus, all of the text on page 9, lines 10-18 is performed as stated but not in response to a request from a user but <u>before</u> receiving a request from the user (as claimed).

The Answer then continues (third paragraph of page 8) and states how users can create and save a travel plan while referring to col. 37, lines 5-57. However, close examination of such text is consistent with the Appellants description stated above. Namely, the user specifies and saves a route for later processing. However, the actual map is not created on a per-user basis for DeLorme's user before the user requests the map. To the contrary, DeLorme's map is created only after the user has specified the POIs and saved the route - and only after the user has requested the map. Accordingly, contrary to what the Examiner asserts, DeLorme's map is not pre-constructed on a per-user bases before the server receives requests from the client. Instead, exactly the opposite is set forth in DeLorme.

In view of the above, Appellants respectfully request reversal of the rejections.

B.   Dependent claims 12, 24, and 36 are Not Separately Argued

C.   Dependent claim 37 is Not Separately Argued

D.   Independent Claims 41, 45, and 49

Appellants traverse the rejections set forth in the final Office Action.

As stated above, independent claims 41, 45, and 49 are generally directed towards a PDA used to access geographic information. In fact, the claim elements are very similar between claims 11, 23, and 35 and 41, 45, and 49. However, the distinguishing limitation in claims 41, 45, and 49 provides that the map set is constructed in parallel on multiple processing units.

In view of the similarities, Appellants reassert the arguments set forth above with respect to claims 11, 23, and 35.

In addition, Appellants traverse the rejections in that these claims provide for constructing the mapset on a per-user basis in parallel on multiple processing units. Appellants note that although Berstis discloses multiple servers in col. 4, the mere disclosure of multiple servers does not describe, teach, suggest, or allude to the possibility to create a single document or mapset in parallel across multiple servers. In this regard, the ability to conduct parallel processing is not described or hinted at in Berstis or DeLorme. In fact, electronic searches of both DeLorme and Berstis for the term "parallel" provide no results. Without even mentioning the term "parallel", the references cannot possibly teach, describe, or suggest, the construction of a mapset on multiple servers in parallel. Further, one cannot merely state that because multiple servers are used, parallel processing would be obvious. Such a conclusion is merely conclusory and begs the questions of what aspects and actions are conducted in parallel and how do they communicate the results. Accordingly, the cited references fail to even remotely provide any such teaching.

For at least the above reasons, Appellants submit claims 41, 45, and 49 are allowable over the cited art.

In response to the above arguments, the Answer admits the lack of explicit teaching in Berstis and DeLorme and asserts that such a teaching would have been a matter of design choice. The Answer further asserts that one of ordinary skill in the art could easily construct the mapset in

parallel on multiple CPUs without involving all inventive concept and without producing unexpected results, which would have been obvious matter of choice (relying on an unnamed court decision specified in MPEP 2144.04(V)).

Appellants respectfully traverse such an assertion. Appellants note that it is not a matter of design choice to perform parallel processing to construct the mapset. As stated above, such parallel processing would require a determination regarding what and how to perform the parallel processing. More specifically, the application would be required to determine what aspects of the map is constructed in parallel on multiple processing units. One inventive concept, in this regard, is constructing the map data in a single mapset on multiple processing units and determining that the mapset is what is constructed on the multiple processing units (rather than user access controls/security, point of interest generation, data indexing, etc.). The Examiner is assuming that without the present invention's disclosure, an ordinary person of skill in the art would have the ability to determine that the maps should be constructed in parallel on multiple processing units. However, no foundation or support for such an assertion beyond the disclosure of the present invention is provided whatsoever.

In view of the above, Appellants respectfully request reversal of the rejections.

E.   Dependent Claims 50-52

Dependent claims 50-52 provide that the two or more maps included in the single mapset are based on one or more work orders for a specific user. In rejecting these claims, the Office Action merely recites DeLorme col. 28, lines 1-16 and col. 30, lines 28-46. The text of such sections is recited above. As can be seen such text does not even remotely allude to a work order for a specific user or the ability to include multiple maps in a single mapset based on such a work order as claimed. Further, the term work order is described in detail in the present specification, see page 5, lines 7-16, page 18, line 21 and FIG. 4. In this regard a work order relates to an order to conduct work (e.g., for a field/utility technician). There is no such reference or even remote hint in DeLorme or Berstis regarding any type of work order whatsoever.

In response to the above arguments, the Answer again relies on col. 1, lines 29-47 for the creation of a mapset based on the user's selection. Such an assertion on its face is contrary to that

set forth in the claims. In this regard, as stated above, the claimed work order is created prior to the user requesting the map. However, DeLorme's mapset (as set forth in the Answer itself) is based on the user's selection. In other words, DeLorme's mapset must have been created after the user requested the mapset since it is based on the user's selection. Thus, it is impossible for the cited portion of DeLorme to teach the claimed invention.

In view of the above, Appellants respectfully submit that dependent claims 50-52 are allowable and request reversal of the Examiner's rejections.

F.   Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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1.   (WITHDRAWN) A system for providing geographic information comprising:

(a)   a server;

(b)   map data for one or more maps stored on the server;

(c)   a servlet executing on the server, wherein prior to receiving a request for the map data from a client, the servlet is configured to:

       (i)   identify one or more maps included in a mapset;

       (ii)   obtain map data for the one or more maps from the server; and

       (iii)   create a mapset comprised of the map data.

2.   (WITHDRAWN) The system of claim 1 wherein the mapset is created utilizing multiple central processing units in parallel.

3.   (WITHDRAWN) The system of claim 1 wherein the servlet is further configured to:

receive a request for map data from a client; and

transmit the mapset to the client in response to the request.

4.   (WITHDRAWN) The system of claim 3 wherein the request is a 'GET' HTTP request.

5.   (WITHDRAWN) The system of claim 1 further comprising a MapGuide server configured to obtain spatial and attribute map data, and wherein the servlet obtains the map data from the MapGuide server.

6.   (WITHDRAWN) The system of claim 1 wherein the mapset comprises a linear data stream.

7.   (WITHDRAWN) The system of claim 1 wherein the servlet is configured to perform the identify, obtain, and create steps in response to receiving a request to add a work order.

8.   (WITHDRAWN) The system of claim 1 wherein the servlet is configured to perform the identify, obtain, and create steps in response to receiving a request to delete a work order.

9.   (WITHDRAWN) The system of claim 1 wherein the servlet is configured to perform the identify, obtain, and create steps in response to receiving a request to modify a work order.

10.   (WITHDRAWN) The system of claim 1 wherein the maps included in the mapset are based on a work order identified by a dispatcher.

11.   (PREVIOUSLY PRESENTED) A system for accessing geographic information comprising:

(a)   a thin client;

(b)   an application on the thin client, the application configured to:

(i)   request a map from a servlet;

(ii)   receive, in response to the request, a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

(iii)   format the map data in the single mapset;

(iv)   display the map data on a screen of the thin client.

12.   (ORIGINAL) The system of claim 11 wherein the request is a 'GET' HTTP request.

13.   (WITHDRAWN) A method for providing geographic information comprising:

identifying one or more maps included in a mapset;

obtaining map data for the one or more maps from a server;

creating a mapset comprised of the map data; and

wherein the identifying, obtaining, and creating are performed prior to receiving a request for map data from a client.

14. (WITHDRAWN) The method of claim 13 wherein the creating is performed by multiple central processing units in parallel.

15. (WITHDRAWN) The method of claim 1 further comprising:
receiving a request for map data from a client; and
transmitting the mapset to the client in response to the request.

16. (WITHDRAWN) The method of claim 15 wherein the request is a 'GET' HTTP request.

17. (WITHDRAWN) The method of claim 13 the server obtains the map data from a database.

18. (WITHDRAWN) The method of claim 13 wherein the mapset comprises a linear data stream.

19. (WITHDRAWN) The method of claim 13 further comprising receiving a request to add a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

20. (WITHDRAWN) The method of claim 13 further comprising receiving a request to delete a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

21. (WITHDRAWN) The method of claim 13 further comprising receiving a request to modify a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

22.   (WITHDRAWN) The method of claim 13 wherein the maps included in the mapset are based on a work order identified by a dispatcher.

23.   (PREVIOUSLY PRESENTED) A method for accessing geographic information comprising:

requesting map data from a servlet;

receiving, in response to the request, the map data in a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

formatting the map data;

displaying the map data on a screen of a thin client.

24.   (ORIGINAL) The method of claim 23 wherein the request is a 'GET' HTTP request.

25.   (WITHDRAWN) An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for providing geographic information, the method comprising:

identifying one or more maps included in a mapset;

obtaining map data for the one or more maps from a server;

creating a mapset comprised of the map data; and

wherein the identifying, obtaining, and creating are performed prior to receiving a request for map data from a client.

26.   (WITHDRAWN) The article of manufacture of claim 25 wherein the creating is performed by multiple central processing units in parallel.

27.   (WITHDRAWN) The article of manufacture of claim 25, the method further comprising:

receiving a request for map data from a client; and

transmitting the mapset to the client in response to the request.

28.   (WITHDRAWN) The article of manufacture of claim 27 wherein the request is a 'GET' HTTP request.

29.   (WITHDRAWN) The article of manufacture of claim 25 wherein the server obtains the map data from a database.

30.   (WITHDRAWN) The article of manufacture of claim 25 wherein the mapset comprises a linear data stream.

31.   (WITHDRAWN) The article of manufacture of claim 25, the method further comprising receiving a request to add a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

32.   (WITHDRAWN) The article of manufacture of claim 25, the method further comprising receiving a request to delete a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

33.   (WITHDRAWN) The article of manufacture of claim 25, the method further comprising receiving a request to modify a work order and wherein the identifying, obtaining, and creating are performed in response to the request.

34.   (WITHDRAWN) The article of manufacture of claim 25 wherein the maps included in the mapset are based on a work order identified by a dispatcher.

35.   (PREVIOUSLY PRESENTED) An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for accessing geographic information, the method comprising:

requesting map data from a servlet;

receiving, in response to the request, the map data in a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

formatting the map data;

displaying the map data on a screen of a thin client.

36.   (ORIGINAL) The article of manufacture of claim 35 wherein the request is a 'GET' HTTP request.

37.   (ORIGINAL) The article of manufacture of claim 35 wherein the article of manufacture is a personal digital assistant.

38.   (WITHDRAWN) A system for providing geographic information comprising:

(a)   a server;

(b)   map data for one or more maps stored on the server;

(c)   a servlet executing on the server, wherein the servlet is configured to:

        (i)   identify one or more maps included in a mapset;

        (ii)   instantiate separate threads to obtain map data for the one or more maps from the server in parallel;

        (iii)   assemble a transient database comprised of the map data; and

        (iv)   create a mapset comprised of the map data using the transient database.

39.   (WITHDRAWN) The system of claim 38 wherein the map data is comprised of raster data, vector data, and meta data for each map.

40.　　(WITHDRAWN)　The system of claim 38 wherein the separate threads execute on multiple central processing units.

41.　　(PREVIOUSLY PRESENTED)　A system for accessing geographic information comprising:

(a)　　a thin client; and

(b)　　an application on the thin client, the application configured to:

　　(i)　　request map data from a servlet;

　　(ii)　　receive, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

　　(iii)　　format the map data; and

　　(iv)　　display the map data on a screen of the thin client.

42.　　(WITHDRAWN)　A method for providing geographic information comprising:

identifying one or more maps included in a mapset;

instantiating separate threads to obtain map data for the one or more maps from the server in parallel;

assembling a transient database comprised of the map data; and

creating a mapset comprised of the map data using the transient database.

43.　　(WITHDRAWN)　The method of claim 42 wherein the map data is comprised of raster data, vector data, and meta data for each map.

44.　　(WITHDRAWN)　The method of claim 42 wherein the separate threads execute on multiple central processing units.

45.　　(PREVIOUSLY PRESENTED)　A method for accessing geographic information comprising:

requesting map data from a servlet;

receiving, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

formatting the map data; and

displaying the map data on a screen of a thin client.

46.   (WITHDRAWN) An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for providing geographic information, the method comprising:

identifying one or more maps included in a mapset;

instantiating separate threads to obtain map data for the one or more maps from the server in parallel;

assembling a transient database comprised of the map data; and

creating a mapset comprised of the map data using the transient database.

47.   (WITHDRAWN) The article of manufacture of claim 46 wherein the map data is comprised of raster data, vector data, and meta data for each map.

48.   (WITHDRAWN) The article of manufacture of claim 46 wherein the separate threads execute on multiple central processing units.

49.   (PREVIOUSLY PRESENTED) An article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for accessing geographic information, the method comprising:

requesting map data from a servlet;

receiving, in response to the request, the map data in a single mapset constructed on a per-user basis in parallel on multiple processing units, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;

formatting the map data; and

displaying the map data on a screen of a thin client.

50.   (PREVIOUSLY PRESENTED) The system of claim 11 wherein the two or more maps included in the single mapset are based on one or more work orders for a specific user.

51.   (PREVIOUSLY PRESENTED) The method of claim 23 wherein the two or more maps included in the single mapset are based on one or more work orders for a specific user.

52.   (PREVIOUSLY PRESENTED) The article of manufacture of claim 35 wherein the two or more maps included in the single mapset are based on one or more work orders for a specific user.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was <u>not</u> written
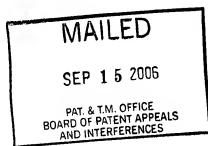for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____   .

<u>Ex parte</u> HOWARD MARANTZ,
NEMMARA CHITHAMBARAM, and SCOTT DING

_____

Appeal No. 2006-2141
Application 09/629,117

_____

ON BRIEF

_____

Before THOMAS, HAIRSTON, and SMITH, JERRY, <u>Administrative
Patent Judges</u>.

THOMAS, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final

rejection of claims 11, 12, 23, 24, 35 through 37, 41, 45 and 49.

Representative independent claim 11 is reproduced below:

11. A system for accessing geographic information comprising:

(a) a personal digital assistant;

(b) an application on the personal digital assistant, the application configured to:

      (i) request map data from a servlet;

      (ii) receive the map data in a mapset constructed prior to the servlet receiving the request, wherein the mapset comprises map data for two or more maps;

      (iii) format the map data;

      (iv) display the map data on a screen of the personal digital assistant.

The following reference is relied on by the examiner:

| Berstis | 6,182,010 | Jan. 30, 2001 |
| | | (filed Jan. 28, 1999) |

All claims on appeal, claims 11, 12, 23, 24, 35 through 37, 41, 45 and 49 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Berstis alone.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and reply brief for appellants' positions, and to the answer for the examiner's positions.

OPINION

Generally for the reasons set forth by the examiner in the answer, as expanded upon/modified here, we sustain the rejection of all claims on appeal under 35 U.S.C. § 103.

In the brief and reply brief, appellants present arguments as to independent claims 11, 23 and 35 collectively. The same approach is applied to the subject matter of independent claims 41, 45 and 49. As page 8 of the principal brief on appeal notes, dependent claim 37 is not argued, but the features of dependent claims 12, 24 and 36 are also commonly argued.

The feature in dispute in representative independent claim 11 is "receive the map data in a mapset constructed prior to the servlet receiving the request, wherein the mapset comprises map data for two or more maps." To the extent the brief and reply brief actually argue that two maps are retrieved, we note that the claim only requires that the mapset comprise map data "for" two or more maps. Appellants have collectively argued the features of "map data for two or more maps" and the feature of the construction of "the map data in a mapset constructed prior to the servlet receiving the request" collectively. Thus, the claims do not require, even as argued, at the middle of page 5 of the principal brief on appeal, that two or

more maps are constructed together into the mapset prior to the request for map data.

In contrast to the general argument at the middle of page 2 of the principal brief on appeal that the specification provides a definition of the term "mapset," it is not until the middle of page 2 of the reply brief that appellants make specific reference to the paragraph bridging specification pages 19 and 20. The broadly defined map data 408 is said to be a mapset which in turn, to the extent <u>not</u> recited in independent claim 11 on appeal, is plural maps that appear as an initial map that can be zoomed or maps that appear as links on an initial or zoomed map. These latter requirements are not recited in any claim on appeal. Therefore, to the extent appellants invite us to read these features of the disclosed invention into the claims, we will not do so since appellants are free to amend the present claims on appeal to include such features.

Moreover, the claims only recite "a mapset." Contrary to the specific arguments made for the first time in the reply brief at pages 3 and 4, a single mapset is not recited in the claims on appeal. The broadly defined "a mapset" is inclusive of the capability of a system such as in Berstis to provide two mapsets with a plurality of maps therein, which in a sense may

characterize the examiner's basic position. We therefore agree with the

examiner that the ability of Berstis to seek an initial map or map information

with the capability of also presenting to the viewer a visual image or

graphical display, such as a photograph, in a pop-up window as depicted in

Figures 4 and 5, is consistent with the scope of representative independent

claim 11 on appeal. Even to the extent that Berstis may teach to the artisan

that the visual image or photograph or the like may be separately retrieved or

subsequently retrieved from the initial map information, the claim does not

explicitly exclude this capability. Note also that Figure 5's pop-up window

93 may be considered as a zoomed view of intersection 90 of Figure 4.

This analysis leads us to a second major argument throughout the

brief and reply brief from appellants. They take the position that a

photograph is not a map within the context of the plurality of maps recited in

claim 11 on appeal. We as well as the examiner disagree with this approach.

Clearly, to the artisan within 35 U.S.C. § 103, the teachings in Berstis are

such that a photograph or visual image or the like is actually used as a map

or map information or the broadly defined "map data" of the claims on

appeal. Moreover, it is noted that Figure 5 in Berstis shows a pop-up

window 93 with a visual image of map-like information depicting an

intersection 90 in detail. Column 7, lines 62-65 make it plain that "the particular image displayed on the pervasive computing client display need not be limited to a street or road. The image may be of any landmark, building, sign, road, or the like." Therefore, the image data no matter how it is characterized in Berstis may be fairly considered as map data or part of a mapset as claimed.

Even if we were to agree with appellants' position that only a single mapset is recited in representative independent claim 11 on appeal, the reference plainly teaches that this visual image information may comprise plural photographs and even video information when, once retrieved from a server, may both comprise plural map images. Note the discussion at column 2 in the Summary of the Invention as well as the lengthy discussion at columns 6 and 7. The system plainly has a capability of storing and therefore the user retrieving plural photographs or images of a given intersectional landmark or the like thus comprising a plurality of maps. In this sense then, Berstis therefore teaches a mapset of two or more maps as claimed. Obviously, within 35 U.S.C. § 103, a video image comprises plural frames and therefore plural maps of a given location, as detailed at the middle of column 7. Appellants' brief and reply brief do not mention, let

alone address, the teachings of plural photographs/video images of plural

frames as comprising plural maps to the extent recited in representative

independent claim 11 on appeal.

Next, we turn to the features recited in representative dependent claim

12 on appeal where it is stated that the request is a 'GET' HTTP request. As

to this feature, we agree with the examiner's position set forth at pages 5 and

7 of the answer as to this subject matter. Because the reference

contemplates Internet service, to the extent by specifically mentioning

HTML protocols and a specific usability of servlets at column 4 of Berstis, it

appears to us that the artisan would have clearly been taught or otherwise

suggested the capability recited in claim 12 on appeal. The "GET"

command in this claim is known in the Internet communications art. At a

minimum, the reference would teach to the artisan that Berstis contemplates

such capabilities because of the expansive teachings at column 4 with

respect to the showing in Figure 2. We therefore conclude that, from an

artisan's perspective, it would have been obvious to have used the

capabilities of HTTP and servlets to get or otherwise fetch map data from a

single or plurality of servers. The arguments at pages 7 and 8 of the

principal brief on appeal and the arguments at page 5 of the reply brief do not address these teachings in Berstis.

Lastly, we address the subject matter of representative independent claim 41 on appeal. This claim recites, as a distinguishing characteristic over the subject matter of representative independent claim 11 on appeal, the broadly defined application configured to "receive the map data in a mapset constructed in parallel on multiple processing units." Again, we make reference to our previous discussion that a single mapset is not required by any claim on appeal. Therefore, the artisan may well consider the ability shown in Figure 2 and the discussion at the bottom of column 2 and the middle of column 5 of utilizing GPS as encompassing an ability of one processing unit to get the broadly defined "map data." Notwithstanding this, the reference plainly teaches at column 4, the ability of the system to have access to a single as well as a plurality of servers thus permitting the parallel construction of broadly defined map data from plural sources or servers or processing units.

To the extent broadly claimed, these teachings and suggestions in Berstis, within 35 U.S.C. § 103, plainly address arguments at pages 8 and 9 of the principal brief on appeal. Taken alone, the examiner's "design
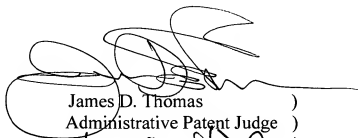
choice" line of reasoning as to representative independent claim 41 on

appeal at the bottom of page 7 of the answer is highly disfavored. The

additional approach of the examiner there that the artisan "could easily

construct the mapset in parallel on multiples CPU's" begs the question and

effectively is an argument based on hindsight. Notwithstanding appellants'

corresponding arguments at pages 5 through 7 of the reply brief with respect

to the subject matter of representative independent claim 41 on appeal, the

reference does appear to specifically teach or otherwise suggest to the artisan

the nature of the subject matter of this representative claim on appeal.

In view of the foregoing, the decision of the examiner rejecting all

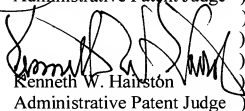claims on appeal under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with

this appeal may be extended under 37 CFR § 1.136(a).

<div align="center">AFFIRMED</div>

                    James D. Thomas   )
                    Administrative Patent Judge   )
)
)
)
                    Kenneth W. Hairston   )   BOARD OF PATENT
                    Administrative Patent Judge   )   APPEALS AND
)   INTERFERENCES
)
)
                    Jerry Smith   )
                    Administrative Patent Judge   )

JDT:tdl

Appeal No. 2006-2141
Application No. 09/629,117

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